

## BOARDS AND COMMISSIONS

### Board of Pharmacy

#### (Amendment)

#### **201 KAR 2:330. Emergency pharmacy powers.**

RELATES TO: KRS 39A.100, 315.500

STATUTORY AUTHORITY: KRS 315.191, 315.505, 217.215

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.500 establishes the conditions under which a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor pursuant to KRS 39A.100. 315.191 authorizes the Board of Pharmacy to promulgate administrative regulations governing pharmacists and pharmacies. This administrative regulation sets out the conditions whereby a prescription may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500 when the prescriber is unavailable. This administrative regulation sets out the conditions whereby a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor as authorized by KRS 315.500.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense an emergency refill of up to a thirty (30) day supply of the medication if:

- (1) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located;
- (2) The pharmacist obtains prescription information from:
  - (a) A prescription label;
  - (b) A prescription record within the pharmacy;
  - (c) A prescription record from another pharmacy;
  - (d) A common database;
  - (e) The patient; or
  - (f) Any other healthcare record;
- (3) The prescription refill is not for a controlled substance;
- (4) The prescription is for a maintenance medication;
- (5) In the pharmacist's professional judgment, the interruption of therapy may produce undesirable consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort; and
- (6) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

Section 2.

- (1) A pharmacy may temporarily relocate to and operate at a new location if:
  - (a) It is not safe or practicable to operate a pharmacy at the address listed on the permit; and
  - (b) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located.
- (2) The pharmacy owner shall:
  - (a) Maintain confidentiality of patient records;
  - (b) Secure all drugs; and
  - (c) Notify the board of the temporary address as soon as practicable.
- (3) The following regulatory requirements shall not apply for this temporary location:

- (a) The requirement to maintain references as listed in 201 KAR 2:090, Section 1;
- (b) The requirement to maintain equipment as listed in 201 KAR 2:090, Section 2; and
- (c) The requirement that the pharmacy be enclosed by a floor to ceiling partition if it is located within a larger establishment which is open to the public for business when a pharmacist is not present.

*CHRISTOPHER HARLOW, PharmD, Executive Director*

APPROVED BY AGENCY: December 10, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:** Christopher Harlow

**Subject Headings:** Pharmacy; Drugs and Medicines; Public Health

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This regulation authorizes pharmacists to provide emergency refills of non-controlled maintenance medications and allows pharmacies to operate at an alternate location when a declared emergency makes normal operations impossible. The regulation outlines the conditions, limitations, and documentation required to ensure patient access and public safety during emergencies.

**(b) The necessity of this administrative regulation:**

The regulation is necessary to ensure patients can maintain access to essential medications and pharmacy services during declared emergencies when normal operations or prescriber access are disrupted. It provides clear authority and safeguards for pharmacists to act in these situations, supporting continuity of care and protecting public health.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This regulation conforms with KRS 315.191 by establishing standards that enable the Board to regulate pharmacy practice during emergencies. It implements the Board's statutory duty to protect public health by defining how pharmacists may dispense emergency refills and how pharmacies may operate when normal conditions are disrupted.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

The regulation assists in the effective administration of the statutes by providing clear, enforceable procedures for how pharmacists and pharmacies may operate during declared emergencies. These standards give the Board a consistent framework for oversight and ensure that emergency medication access occurs safely and in accordance with statutory authority.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment does not make substantive changes to the regulation but rather clarifies statutory authority for the regulation.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment clarifies the statutory authority for emergency pharmacy powers.

**(c) How the amendment conforms to the content of the authorizing statutes:**

This regulation amendment conforms with the authorizing statutes and clarifies the authority of KRS 217.215.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment provides additional clarification related to emergency pharmacy powers in KRS 217.215.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

The board anticipates no one will be affected by the administrative regulation amendment as this is already practiced within electronic prescription systems.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

There are no expected costs for the identities to comply with the amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

Allowing electronic prescription system notes or designations for formulary compliance will streamline workflow for pharmacists, reduce administrative burden, and minimize delays in patient care. It also provides prescribers with a more efficient and consistent method of granting formulary compliance approval, increases accuracy by reducing handwritten or verbal ambiguity, and facilitates clearer documentation and auditing for both pharmacies and insurers. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

No costs will be incurred.

**(b) On a continuing basis:**

No costs will be incurred.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

Board revenues from pre-existing fees provide the funding to enforce the regulation.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No increase in fees or funding will be required because of this new regulation.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation does not establish fees or directly or indirectly increase any fees.

**(10) TIERING: Is tiering applied?**

Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

KRS 217.215, 315.191, 315.505

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

Yes, KRS 315.505 and 217.215.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Kentucky Board of Pharmacy will be impacted by this administrative regulation.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:\$0**

**For subsequent years:\$0**

**2. Revenues:**

**For the first year:\$0**

**For subsequent years:\$0**

**3. Cost Savings:**

**For the first year:\$0**

**For subsequent years:\$0**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:\$0**

**For subsequent years:\$0**

**2. Revenues:**

**For the first year:\$0**

**For subsequent years:\$0**

**3. Cost Savings:**

**For the first year:\$0**

**For subsequent years:\$0**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

None.

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:\$0**

**For subsequent years:\$0**

**2. Revenues:**

**For the first year:\$0**

**For subsequent years:\$0**

**3. Cost Savings:**

**For the first year:\$0**

**For subsequent years:\$0**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

**(b) Methodology and resources used to reach this conclusion:**

None.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

**(b) The methodology and resources used to reach this conclusion:**

Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.